

H. C. R. No. 59, Authorizing the Enrolling Clerk to correct H. B. No. 379.

H. C. R. No. 60, Authorizing the Enrolling Clerk to amend the caption of H. C. R. No. 59.

H. C. R. No. 61, Suspending Joint Rules to allow continued consideration by the House of House Joint Resolution No. 16.

Recess

On motion of Senator Collie, the Senate, at 12:05 o'clock p. m., took recess to 10:00 o'clock a. m. tomorrow.

APPENDIX

Reports of Committee on Enrolled Bills

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 215 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 69 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 270 carefully examined, compared and read, and find same correctly enrolled.

STONE of Galveston,
Chairman.

THIRTY-SEVENTH DAY

(Continued)

(Thursday, March 16, 1939)

The Senate met at 10:00 o'clock a. m. and was called to order by the President.

House Bill 92 on Passage to Third Reading

The Senate resumed consideration of pending business, same being H. B. No. 92, changing the statuses of John Tarleton Agricultural College and North Texas Agricultural College from junior colleges to standard four-year colleges, on its passage to third reading, with amendment by Senator Roberts, and motion by Senator Head to table the amendment, pending.

Question—Shall the motion to table prevail ?

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—16

Brownlee	Lemens
Burns	Martin
Collie	Moore
Cotten	Nelson
Graves	Spears
Hardin	Sulak
Head	Van Zandt
Kelley	Winfield

Nays—15

Aikin	Roberts
Beck	Shivers
Hill	Small
Isbell	Stone
Lanning	of Galveston
Metcalf	Stone
Moffett	of Washington
Pace	Weinert
Redditt	

Senator Head offered the following amendment to the bill:

Amend H. B. 92 by adding a new section following Section 3 to be known as Section 3A to read as follows:

It is hereby declared the intent of the Legislature to raise the rank of the North Texas Agricultural College at Arlington and the John Tarleton Agricultural College at Stephenville from junior colleges offering two years of standard college work to the rank of four year colleges offer-

ing bachelor degrees in the arts and sciences as heretofore outlined in this Act and it shall be the duty of the Board of Directors of the Agricultural and Mechanical College of Texas to recommend what courses shall be offered in said school.

Senator Metcalfe raised a point of order against consideration of the amendment on the ground that its effect is to strike out matter from the bill which has been inserted by an amendment previously adopted by the Senate.

The President overruled the point of order.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—17

Brownlee	Martin
Burns	Moore
Collie	Nelson
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Van Zandt
Lemens	Winfield

Nays—14

Aikin	Redditt
Beck	Roberts
Hill	Shivers
Isbell	Small
Lanning	Stone
Metcalfe	of Washington
Moffett	Weinert
Pace	

Question next recurring on the passage of the bill to third reading, yeas and nays were demanded.

The bill was passed to third reading by the following vote:

Yeas—16

Brownlee	Martin
Burns	Moore
Collie	Nelson
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Sulak
Kelley	Winfield
Lemens	

Nays—15

Aikin	Redditt
Beck	Roberts
Hill	Shivers
Isbell	Small
Lanning	Stone
Metcalfe	of Washington
Moffett	Van Zandt
Pace	Weinert

Motion to Suspend Constitutional Rule

Senator Head moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 92 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—20

Aikin	Moore
Brownlee	Nelson
Burns	Redditt
Collie	Small
Cotten	Spears
Graves	Stone
Hardin	of Galveston
Head	Stone
Kelley	of Washington
Lemens	Sulak
Martin	Winfield

Nays—11

Beck	Pace
Hill	Roberts
Isbell	Shivers
Lanning	Van Zandt
Metcalfe	Weinert
Moffett	

Reports of Standing Committees

Senator Moore, by unanimous consent, submitted at this time the following report of the Committee on Game and Fish:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 328, A bill to be entitled "An Act to prohibit the sale of any fresh water fish caught or trapped from the fresh waters of certain counties, fixing a penalty, repealing

all laws or parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Senator Cotten, by unanimous consent, submitted at this time the following reports of the Committee on Insurance:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 380, A bill to be entitled "An Act providing that, with the approval of the Board of Insurance Commissioners, and upon terms and conditions prescribed by said Board, any local Mutual Aid Association, as defined by law, or any State-wide Mutual Assessment Life Insurance Company, or Accident Insurance Company, or Health Insurance Company, or Life and Accident, or Health and Accident, or Life, Health and Accident Insurance Company, incorporated under the laws of this State and the license to transact business, and transacting business under the provisions of Chapter 245, Acts of the Regular Session of the Forty-third Legislature, being H. B. No. 303, enacted at the Regular Session of said Legislature, as amended, may by vote of its members, convert itself into an incorporated stock company; and requiring any such converted company to maintain at all times with the State Treasurer for the security and protection of the holders of all its policies and certificates and their beneficiaries, a deposit, either in cash or securities, in which Life Insurance Companies may lawfully invest funds, at least equal in amount to its unimpaired paid-up capital stock, which shall not be less than \$25,000, nor less than such additional sum proportionate to the number of members in such Company and to its insurance in force, as the Board of Insurance Commissioners shall deem desirable and shall direct; and providing generally for such conversion of such companies; and providing generally for the regulation and supervision of such

converted companies by the Board of Insurance Commissioners; and prescribing their powers and duties when so converted; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COTTEN, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 98, A bill to be entitled "An Act providing for the licensing of certain Insurance Agents; providing for two classes of Insurance Agents; defining the two classes of Insurance Agents; defining 'Local Recording Agent'; defining 'Solicitor'; providing the manner in which a Local Recording Agent shall make application to the Board of Insurance Commissioners for a license to operate; providing that individuals and partnerships may be granted a license as Local Recording Agents, and the manner in which such license shall be granted and to whom it may be granted; providing what the application for a license shall contain; providing who are entitled to make application for a license as a Local Recording Agent; making it unlawful for any person, firm, or partnership to act as a Local Recording Agent or Solicitor in procuring business for any Insurance Company, corporation, inter-insurance exchange, Mutual, Reciprocal, Association, Lloyds, or other Insurance Carrier without having in force a license as provided in this Act; providing for application for and licensing of a Solicitor; providing what such application shall contain and under what circumstances a license shall be granted to a Solicitor; providing for an examination to be given by the Board of Insurance Commissioners to an applicant for a license as a Local Recording Agent, and to an applicant for license as a Solicitor and exempting certain persons from examination; making it unlawful for a person selling insurance to rebate or discriminate; providing that nothing in the Act shall prohibit a person insuring his own property or property in which he has an inter-

est; prohibiting coercion of insurance, and giving the right of each citizen to choose his own agent or insurance Carrier; prohibiting the licensing of an individual or firm from engaging in insurance business principally to handle insurance on property in which he has an interest or in which his family has an interest or his employer or employee; providing that one who has been licensed and asks for renewal thereof must show that during the prior year the total volume of premiums on insurance written for others shall exceed the total volume of premiums which said applicant shall have written or placed on his own property or upon property which he controls through ownership, mortgage, sale, family relationship or employment; providing for the renewal of licenses and the terms upon which such renewals may be issued; providing for the fixing of rules and regulations for the examinations provided and the time within which such examinations shall be given, and for notice thereof; providing for the payment of fees by applicants for a license as Local Recording Agent, and for applicants for a license as Solicitor; providing for fees to be paid for renewal of licenses as Local Recording Agent or Solicitor; providing for the issuing of a license by the Board of Insurance Commissioners when any applicant shall have complied with the Act; providing that Local Recording Agents shall act as such only during the time they are acting as the authorized agent of an Insurance Company or Carrier having permit to do business in this State; providing the manner in which a Solicitor may be appointed by a Local Recording Agent and the application therefor; providing the number of Local Recording Agents a Solicitor may act for; and prohibiting a Solicitor from soliciting insurance until certain requirements have been complied with; making it unlawful for a Local Recording Agent or Solicitor to write a greater amount of insurance against loss by fire on property than the reasonable value thereof; providing for the suspension or cancellation of the license of a Local Recording Agent or Solicitor and the circumstances under which it may be done, and providing for a hearing with reference to the suspension or cancellation, and setting forth the causes for which any such license may be canceled or suspended; providing for voluntary

surrender of the license held by a Local Recording Agent or Solicitor; providing that the Board of Insurance Commissioners shall not have the right to refuse to issue, nor renew, nor suspend, nor revoke any license provided for in the Act except on hearing after notice, and providing the manner in which such hearing shall be had, providing that the applicant or accused shall have the right to be represented by counsel, providing who shall represent the Board as Counsel, giving the Board the right to summon witnesses, and to require the production of records, books, etc., and to administer oaths, providing that applications can be made to the Courts for production of records and witnesses, requiring certain peace officers to serve process, and providing for payment for such services, providing for the payment of witness fees and expenses, providing for the hearings to be held before the Board or any member thereof, providing places where such hearings may be had; giving any such applicant or accused the right of appeal to the Courts from any adverse order or judgment of the Board of Insurance Commissioners, and the time within which such appeal shall be taken, and providing for notice to be given by the Board of any order entered, and providing the manner in which such notice may be given, exempting certain Insurance Companies from the provisions of the Act, and exempting certain persons, firms, and individuals from the provisions of this Act; providing for the handling of fees paid under the provisions of this Act, and the manner in which expenditures of such fees shall be made; making it unlawful for any Local Recording Agent to pay any money or other thing of value for the solicitation of insurance other than to his or its duly licensed Solicitor or to another Local Recording Agent; making it unlawful for any Solicitor to pay money, commission, or other thing of value for or on account of solicitation or negotiation of insurance, to any person, firm, or corporation; providing that all other laws in conflict with this Act are repealed, making the Act cumulative as to all laws that are not in conflict therewith, making it a misdemeanor for any person or any member of any firm who violates certain sections of the Act named, and making each day's violation a separate and distinct offense, and pro-

viding a penalty for such offenses; providing for injunctive relief, and by whom, and the manner in which such relief by injunction may be instituted and prosecuted, and making such relief cumulative, making it the duty of the Board of Insurance Commissioners and the administrative officers of the different Counties of the State to carry out the terms of the Act; providing that in the event any District or County Attorney shall fail or refuse to carry out the terms of the Act the Attorney General may take action under the terms of the Act, and giving the right to any private person to file complaints charging violations of the Act; providing that the personnel charged with the direct supervision of the Act, except regularly elected law enforcement officers, shall be responsible to and serve at will of Board of Insurance Commissioners; providing that if any portion of the Act shall be declared unconstitutional such provisions shall not affect the validity of the remaining portions of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that Committee Substitute S. B. No. 98 be passed as amended in lieu of the original bill and that it be printed.

COTTEN, Chairman.

Senator Brownlee, by unanimous consent, submitted at this time the following report of the Committee on Highways and Motor Traffic:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 230, A bill to be entitled "An Act repealing Chapter 21 of the Laws of the Forty-fourth Legislature, Regular Session, being H. B. No. 874, pages 1185 and 1186 of the General and Special Laws of the Forty-fourth Legislature, Regular Session; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 193, A bill to be entitled "An Act authorizing the Commissioners' Court in each county in this State according to the last preceding Federal Census, to allow each County Commissioner certain expenses for traveling and in connection with the use of his automobile on official business only and/or in overseeing the construction work on public roads of the county; requiring each such Commissioner to pay the expense of operation and repair of such vehicle so used by him without any further expense whatsoever to the county; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 368, A bill to be entitled "An Act creating a special road law for Robertson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report

it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 2, do hereby submit in lieu of said bill the attached committee substitute, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of vehicles on the public highways; fixing the load limit which may be lawfully transported on commercial motor vehicles, or combinations thereof, outside the limits of an incorporated city or town; also amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the Highway Department the authority to approve or disapprove the nature and character of equipment to be used in the transportation of dangerous, hazardous, or bulky commodities over the highways of this State, and to regulate the transportation of such commodities in the interest of public safety, and to fix and limit the number and size of boxes, packages, barrels, bales, or containers of any such commodities which may be lawfully transported, and the manner of loading such boxes, packages, barrels, bales or containers; also preventing the transportation over State highways, outside the limits of an incorporated city, town or village, of more than fourteen (14) bales of cotton on a commercial motor vehicle unless said cotton has been compressed so that the density of each bale, in any form, will be not less than twenty-two and one-half (22½) pounds per foot cubic measurement; declaring an emergency and providing this Act shall take effect from and after its passage,"

Have had the said substitute under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 263, A bill to be entitled "An Act to create a more efficient road law for Randall County, Texas, validating an order heretofore passed by the Commissioners' Court of Randall County authorizing the issuance of certain road and bridge funding bonds, the indebtedness refunded thereby, declaring said bonds when issued, approved by the Attorney General and registered by the Comptroller as the binding obligation of said county, excepting from the validating provisions of this act any indebtedness in litigation, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 104, A bill to be entitled "An Act acknowledging the legal, moral and implied obligation of the State to compensate and reimburse counties and defined road districts for expenditures on highways now and heretofore constituting a part of the system of State Highways and other roads not constituting a part of the State Highway System; expressly providing that the burden of maintenance and operation of lateral roads shall not be assured by the State; defining certain words and expressions as used in the Act; providing that all further improvement of State Highways shall be under the control of the State Highway Department and that no further improvement of State Highways shall be made with the aid of or with money furnished by counties or districts except that the Act shall not affect binding contracts now existing between the State Highway Department and the Commission-

ers' Courts for any county or district; directing the State Highway Commission to maintain and construct State Highways from available funds; providing that all money Federal aid money shall be subject to appropriation by the Legislature for purposes named herein; prescribing the duties of the Comptroller of Public Accounts with reference to the collection and allocation of occupation or excise tax paid on the business of selling gasoline; providing that such taxes collected on and after October 1, 1932, after deducting refunds shall be allocated one-fourth to the available free school fund, one-fourth to the State Board of Road Indebtedness Fund and the balance to the State Highway Fund; providing that all bonds, warrants or other evidences of indebtedness which mature on and after January 1, 1940, and which were issued prior to January 1, 1939, by counties and districts in the construction of either State Highways or lateral roads shall be eligible to participate in monies allocated to said Board of Road Indebtedness Fund, less the amount required to be accumulated in the sinking funds of each respective county and district; providing the method of determining the amount of such eligible indebtedness; providing that the State Board of Road Indebtedness shall perform the duties imposed by Chapter 12 Acts of the Third Called Session of the Forty-second Legislature and amendments thereto; providing, etc., etc., and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 330, A bill to be entitled "An Act to amend Section 1, Acts of the Second Called Session, Forty-first Legislature, Chapter 41, conferring upon the State Highway Department authority to issue permits for the operation of super-heavy or over-size

equipment over a State Highway, for the transportation of such commodities as cannot be reasonably dismantled, or for the transportation of perishable fruits, vegetables, livestock and livestock feedstuffs, where the gross weight or size exceeds the limits allowed by law to be transported over a State Highway; declaring an emergency and providing this Act shall take effect from and after its passage,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 429, A bill to be entitled "An Act to create a more efficient road law for Cameron County, Texas, providing for the cancellation, without the prerequisite of an election, of certain bonds heretofore voted; prescribing the method of accomplishing said cancellation; providing that this law shall take precedence over other laws in conflict herewith; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 611, A bill to be entitled "An Act creating a Special Road Law for Carson County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 31, 1939, by the issuance of funding bonds; providing that items of indebtedness as of said date, in the form of scrip, time warrants,

or funding warrants, may be included in such funding bond issue; setting forth the method of issuing such funding bonds; validating all acts of the Commissioners Court and of the county officials of said County in issuing said scrip or warrants; validating said scrip or warrants; providing that the General Laws pertaining to roads and bridges shall be applicable to said County when not in conflict with the provisions hereof; repealing all laws and parts of laws in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 797, A bill to be entitled "An Act creating a special road law for Zapata County, Texas, providing that said County may fund or refund the indebtedness outstanding against its Road and Bridge Fund as of January 1, 1939, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners' Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subject of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 248, A bill to be entitled "An Act providing that all bonds which have been heretofore issued and sold in counties with a population of not less than eight thousand one hundred seventy-eight (8,178) and not more than eight thousand two hundred seventy-eight (8,278) people, according to the last preceding Federal Census, where the proceeds of the sale of bonds has been expended, in whole or in part, upon highways which have, before the issuance and sale of said bonds, been temporarily or permanently designated as a part of the State Highway System, shall be entitled to participate in the State Highway Fund, under the provisions and restrictions of Chapter 136, Acts of the Forty-third Legislature of Texas, 1933, and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Senator Roberts, by unanimous consent, submitted at this time the following report of the Committee on Finance:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 11, bill to be entitled "An Act appropriating Seven Hundred and Eighteen Thousand, Two Hundred and Fifty-Five Dollars (\$718,255) as a supplemental appropriation to the funds appropriated for salary aid in H. B. No. 133 of the Acts of the Second Called Session of the Forty-fifth Legislature; providing that no school shall benefit hereunder which has paid its public funds to any person for securing legislative aid; providing that the funds herein appropriated are to be used to supplement payments for salary aid for the first year of the biennium

1937-1938 and for no other purpose; providing that the funds herein appropriated are to be expended under the provisions of this Act and under the terms and conditions and in the manner provided in the regular appropriation for salary aid in H B. No. 133; . . . etc.; and declaring an emergency,"

Have had the same under consideration and I am instructed to report it back with recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 558, A bill to be entitled "An Act making an appropriation out of the General Fund of the State of Texas for the Secretary of State for the biennium beginning September 1, 1939, and ending August 31, 1941, for the purpose of compiling, editing, indexing, binding, and distributing the current laws; making same immediately available; and declaring an emergency,"

Have had the same under consideration and I am instructed to report back to the Senate with recommendation that it do pass and be printed.

ROBERTS, Chairman.

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 303, A bill to be entitled "An Act creating a Conservation and Reclamation District composed of Kerr County, to be known as the Upper Guadalupe River Authority, pursuant to and for the purposes set forth in Section 59-a of Article 16, of the Constitution of the State of Texas, and to be a governmental agency, body politic and corporate without power to mortgage or encumber any of its property, or to alienate any property necessary to its business, or to levy taxes or assessments or to create any indebtedness payable out of taxes or assessments, or to pledge the credit of the State, fixing boundaries thereof, conferring thereon all powers, rights, privileges

and functions conferred by General Law upon districts created pursuant to said Section 59-a, except as expressly limited, conferring certain powers thereon, including power of control, storage, preservation, use and distribution of the waters of the Guadalupe River and its tributaries; to acquire property by condemnation or otherwise; to construct, maintain, use and operate facilities; to make contracts, to borrow money; to create and issue its negotiable revenue bonds for cash, property or refunding purposes on stated terms and conditions, and in connection therewith to pledge all or any part of its revenues, vesting the powers of the District in a Board of Directors and prescribing the manner of their appointment and their duties; providing for the appointment of officers, agents and employees; providing for the fiscal management of the District; preserving existing water rights to the extent provided; prescribing all necessary details to carry out the intent and purpose of this Act; making an appropriation of Seven Thousand Five Hundred (\$7,500.00) Dollars to the District; providing that if any provisions of this Act shall be held invalid, the validity of the other provisions thereof shall not be affected, and declaring an emergency,"

Have had the same under consideration and I am instructed to report back with recommendation that it do pass with attached committee amendment and be printed.

ROBERTS, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following reports of the Committee on Civil Jurisprudence:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 185, A bill to be entitled "An Act validating elections heretofore held, authorizing the issuance of waterworks revenue bonds, and the bonds when issued, approved, and registered, under circumstances prescribed herein, in certain cities; providing that the provisions hereof shall not be applicable in instances wherein litigation exists or which may be brought into litigation within ninety (90) days after the effective date of

this Act; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 438, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or clerk in counties having a population of not more than seven thousand eight hundred (7,800) and not less than seven thousand seven hundred (7,700), and in counties of not more than ten thousand four hundred and ninety-nine (10,499) and not less than ten thousand three hundred and ninety-nine (10,399) inhabitants, according to the last preceding Federal Census; fixing salary of same; providing for payment of salary; providing for removal; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 472, A bill to be entitled "An Act establishing a County Law Library in each county in this State having an area of not less than one thousand one hundred and thirty (1,130), and not more than one thousand five hundred (1,500) square miles, and with a population according to the last Federal Census of not less than eleven thousand three hundred (11,300), and not more than twelve thousand five hundred (12,500), and whose County Seat is in a city having a population of not less than two thousand two hundred (2,200) and not more than three thousand (3,000), according to the last Federal Census; providing a fund to be administered

by the Commissioners Court of such Counties, and to be raised by collecting One Dollar (\$1.00) as cost in each case filed in the District and County Courts of such counties, except such fee shall not be collected or charged in delinquent tax suits, but shall include all civil and criminal cases filed on the dockets of the respective Courts as hereinabove set out; providing however that the County shall in no event be liable for any cost in any civil or criminal case; providing for a custodian, a librarian and salaries therefor; providing for housing and management; providing this Act shall not affect any other law now in effect with respect to any other County; and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Senator Hardin, by unanimous consent, submitted at this time the following reports of the Committee on Counties and County Boundaries:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 595, A bill to be entitled "An Act fixing the compensation of Sheriffs in all counties of the State of Texas having a population of not less than 27,235 and not more than 27,300, according to the last preceding Federal Census, in which there are no District Attorneys; providing for the appointment by such Sheriffs of such counties of at least one special Deputy Sheriff and one Deputy Sheriff, etc., and declaring an emergency,"

Have had the same under consideration and recommend that it do pass and be not printed.

HARDIN, Chairman.

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred

H. B. No. 473, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State having a population of more than one hundred and forty thousand (140,000) inhabitants and less than two hundred and ninety thousand (290,000) inhabitants, and wherein is situated an incorporated city of more than one hundred and forty thousand (140,000) inhabitants, according to the last preceding Federal census; etc., etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments, and be not printed.

HARDIN, Chairman.

Senator Moffett, by unanimous consent, submitted at this time the following report of the Committee on Stock and Stock Raising:

Austin, Texas,
March 15, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 12, A bill to be entitled "An Act to amend Articles 6890 and 6898 of the Revised Civil Statutes of Texas of 1925, so as to require every person having cattle, hogs, sheep or goats to brand or earmark the same and to register such brand or earmark with the county clerk of the county where such cattle, hogs, sheep or goats shall be and in certain other counties, on or before January 1, 1940, and every five years thereafter, and declaring an emergency,"

Have had the same under consideration and beg leave to report our recommendation that it do not pass but that the committee substitute do pass and be printed.

MOFFETT, Chairman.

Minority Report

Senator Roberts, by unanimous consent, submitted at this time the following report:

Austin, Texas,
March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, a minority, your Committee on Highways and Motor Traffic, to which committee was referred

S. B. No. 2, as substituted, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of vehicles on the public highways; fixing the load limit which may be lawfully transported on commercial motor vehicles, or combination thereof, outside the limits of an incorporated city or town; also amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the Highway Department the authority to approve or disapprove the nature and character of equipment to be used in the transportation of dangerous, hazardous, or bulky commodities over the highways of this State, and to regulate the transportation of such commodities in the interest of public safety, and to fix and limit the number and size of boxes, packages, barrels, bales, or containers of any such commodities which may be lawfully transported, and the manner of loading such boxes, packages, barrels, bales or containers; also preventing the transportation over State Highways, outside the limits of an incorporated city, town or village, of more than fourteen (14) bales of cotton on a commercial motor vehicle unless said cotton has been compressed so that the density of each bale, in any form, will be not less than twenty-two and one-half (22½) pounds per foot cubic measurement; declaring an emergency and providing this Act shall take effect from and after its passage,"

Have had the same under consideration and beg leave to report our recommendation that it do pass and be printed, and that this report be in lieu of the majority report unfavorably reporting said bill.

Respectfully submitted by the undersigned, having been present in the Committee at the time said bill was reported unfavorably, and voting for a favorable report for said bill.

KELLEY,
ROBERTS,
METCALFE.

Senate Resolution 42

Senator Sulak, by unanimous consent, offered at this time the following resolution:

Whereas, There are present in the Capitol members of the senior class of the St. Ludmila's High School, Shiner, Texas, and

Whereas, Among them are talented singers; therefore, be it

Resolved, That they be granted the privileges of the floor, and that they be invited to sing for the Senate, and that a copy of this resolution be furnished the president of the class.

The resolution was read; and on motion of Senator Sulak and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the members of the senior class of the St. Ludmila's High School were escorted to the bar of the Senate.

The class rendered a brief program of songs, and a member of the class thanked the Senate for the courtesies extended her and her classmates.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 16, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House refused to print the following House Bill on Minority report by a vote of 57 ayes to 83 nays:

H. B. No. 14, A bill to be entitled "An Act to amend Section 5 of Chapter 42, General Laws of the State of Texas, passed by the Forty-first Legislature, Second Called Session, as amended by Section 5, of Chapter 282, Acts of the Regular Session of the Forty-second Legislature, relating to the operation of vehicles on the public highways; fixing the load limit which may be lawfully transported on commercial motor vehicles outside the limits of an incorporated city or town; also amending Section 13a, Acts of the Regular Session, Forty-second Legislature, Chapter 277, conferring upon the Railroad Commission of Texas the authority

to approve or disapprove the nature and character of equipment to be used by certain carriers and to regulate the amount and character of tonnage which may be transported on any motor vehicle, trailer or semi-trailer; declaring an emergency, and providing the Act shall take effect from and after its passage."

Respectfully submitted,

E. R. LINDLEY,
Chief Clerk, House of Representatives.

House Bill 474 on Final Passage

Senator Van Zandt moved to call from the table, on its final passage (the bill having been read third time and tabled subject to call on March 9, 1939):

H. B. No. 474, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in counties having a population of not less than twenty-two thousand, one hundred (22,100) nor more than twenty-two thousand, six hundred (22,600) according to the last preceding Federal Census; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The motion prevailed.

The President laid the bill before the Senate, on its final passage.

Senator Van Zandt offered the following amendments to the bill:

(1)

Amend H. B. No. 474 by adding thereto two new sections to be known as Section 2 and Section 3 and renumbering the remaining sections to conform, said sections to read as follows, to-wit:

"Section 2. That the salary of the County Superintendent of Public Instruction of each county in Texas having a population of not less than 41,050, and not more than 42,100 according to the last preceding Federal census shall from and after the passage of this Act be not less than the sum of \$2,800.00 per annum and not more than \$3,600.00 per annum to be fixed by the County Board of Education of each county; and in addition thereto, the County Superintendent of such counties shall receive office expenses for stamps, telephone, and stationery not exceeding \$300.00 per annum, as well as an amount not in excess of \$300.00 per annum to defray

traveling expenses incurred by such county superintendents which said sum shall be paid by said County Board of Trustees on the certificate of such superintendent that the expenses had been incurred in the discharge of his duties as such superintendent.

"(a) The salary and expenses provided for in Section 2 of this Act shall be paid monthly upon the order of the County School Trustees of such counties out of the county's available and state per capita apportionment coming to such counties; providing that the month of September shall not be paid until the county superintendent of Public Instruction shall have presented a receipt or a certificate from the State Superintendent of Public Instruction showing that he has made all of the reports required by him.

"Section 3. That the salaries of the County Superintendents of Public Instruction of each County in Texas, having a population of not less than 22,509 and not more than 22,800, according to the last preceding Federal Census, shall from and after the passage of this Act be not less than \$2,200.00 per annum and not more than \$2,800.00 per annum, and in Counties having a population of not less than 14,550 and not more than 14,800, according to the last preceding Federal Census, shall from and after the passage of this Act be not less than the sum of \$2,200.00 and not more than \$2,800.00 per annum, to be fixed by the County Board of Education in each County.

VAN ZANDT,
BURNS.

(2)

Amend the caption to H. B. No. 474 by adding after the words "according to the last preceding Federal Census" the following:

"and providing for the salaries of county superintendents and certain expenses for his office and traveling expenses in all counties having a population of not less than 41,050 and not more than 42,100 according to the last preceding Federal Census; and providing for the salaries of county superintendents in certain counties having a population of not less than 22,509 and not more than 22,800 and counties having a population of not less than 14,550 and not more than

14,800 according to the last preceding Federal Census."

VAN ZANDT,
BURNS.

The amendments were each adopted unanimously.

The bill was passed by the following vote:

Yeas—30

Aikin	Moffett
Beck	Nelson
Brownlee	Pace
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Small
Hardin	Spears
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield

Absent

Moore

Motion to Set House Bill 194 as a Special Order

Senator Spears moved that H. B. No. 194 be set as a special order for 11:00 o'clock a. m., March 22, 1939.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—16

Aikin	Lemens
Brownlee	Metcalf
Burns	Moffett
Cotten	Nelson
Graves	Redditt
Hardin	Spears
Head	Stone
Kelley	of Galveston
Lanning	

Nays—14

Beck	Small
Collie	Stone
Isbell	of Washington
Martin	Sulak
Moore	Van Zandt
Pace	Weinert
Roberts	Winfield
Shivers	

Absent

Hill

Senate Concurrent Resolution 21

Senator Moore, by unanimous consent, offered at this time the following resolution:

Whereas, the San Jacinto Memorial Tower will be completed and ready to open to the public in a few days, and whereas, the building has large museum rooms on the first floor, and,

Whereas, There is an observation floor in the building about 480 feet above ground level with elevator service where a magnificent view of the San Jacinto Battlefield and of the surrounding country may be had, and,

Whereas, The visitors to the Park desire to enter this beautiful memorial building and also go to the observation floor, and,

Whereas, no funds are available at this time for the support and maintenance of the memorial and for furnishing the museum rooms with proper museum cases and exhibits, and, until provision is made therefor, this magnificent memorial must remain closed to the public, depriving the citizens of this State of the use of this great memorial, and,

Whereas, The San Jacinto Museum of History, an organization of patriotic Texans has purchased museum cases and provided exhibits for the museum and further proposes to operate said memorial building without charge to the State, now, therefore, be it

Resolved by the Senate and House of representatives concurring:

That the State Board of Control be authorized to enter into a contract for a period of time not longer than to September 1, 1941, with the San Jacinto Museum of History, giving the care, custody and control of the San Jacinto Memorial Tower to the San Jacinto Museum of History to be maintained in good order by it without charge to the State of Texas, and requiring it to make no charge to the public for entering said building or museum, and, be it further

Resolved, That said contract provide for the San Jacinto Museum of History, subject to the approval of the Board of Control, selling souvenirs and operating a concession in or about said building, and for making a reasonable charge approved by the Board for the use of the elevator to the observation floor. The moneys so collected to be used to defray the expenses of operating the elevator, paying janitors and watchmen, and

for other maintenance costs of the building, and to pay such premiums for public liability insurance as may be needed.

The resolution was read and was referred to Committee on State Affairs.

Motion to Adopt Minority Report

Senator Roberts moved that the minority report on C. S. S. B. No. 2, be adopted in lieu of the majority report on the bill.

Senator Nelson raised a point of order on consideration of the motion, on the ground that the House has defeated a bill containing the same substance as C. S. S. B. No. 2.

The President announced he would withhold his ruling on the point of order temporarily.

Senate Concurrent Resolution 20

Senator Stone of Washington moved that the Senate consider at this time the following resolution, which he offered on yesterday:

S. C. R. No. 20, Providing for transfer of records of State Planning Board to the Texas Agricultural and Mechanical College and for carrying on work of said Board by officials of said College.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—18

Aikin	Moffett
Burns	Redditt
Collie	Roberts
Cotten	Shivers
Graves	Stone
Hardin	of Galveston
Hill	Stone
Isbell	of Washington
Lanning	Sulak
Metcalf	Weinert

Nays—11

Beck	Nelson
Brownlee	Pace
Kelley	Small
Lemens	Van Zandt
Martin	Winfield
Moore	

Absent

Head

Absent—Excused

Spears

The President referred the resolution to the Committee on State Affairs.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Nelson:

S. B. No. 399, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county of Texas having a population of not less than eleven thousand and twenty-one (11,021) nor more than eleven thousand and fifty (11,050) according to the latest Federal Census; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

Senate Resolution 43

Senator Hill, by unanimous consent, offered at this time the following resolution:

Whereas, After each public hearing before committee on the floor of the Senate there appear numerous burned places on the new carpet of the Senate; therefore, be it

Resolved, That hereafter it be the rule of the Senate that smoking in the Senate Chamber during the progress of public hearings be prohibited.

The resolution was read; and on motion of Senator Hill and by unanimous consent, it was considered at this time.

Question—Shall the resolution be adopted?

Yeas and nays were demanded, and the resolution was adopted by the following vote:

Yeas—16

Aikin	Metcalf
Beck	Moffett
Collie	Nelson
Graves	Pace
Hill	Redditt
Isbell	Shivers
Lanning	Small
Martin	Winfield

Nays—12

Brownlee	Hardin
Burns	Kelley
Cotten	Moore

Roberts	Sulak
Stone	Van Zandt
of Galveston	Weinert
Stone	
of Washington	

Absent

Head	Lemens
------	--------

Absent—Excused

Spears

Senator Martin moved to reconsider the vote by which the resolution was adopted

Yeas and nays were demanded, and the motion to reconsider prevailed by the following vote:

Yeas—20

Beck	Redditt
Brownlee	Roberts
Burns	Shivers
Cotten	Stone
Graves	of Galveston
Hardin	Stone
Kelley	of Washington
Lemens	Sulak
Martin	Van Zandt
Metcalf	Weinert
Moore	Winfield

Nays—8

Aikin	Lanning
Collie	Moffett
Hill	Pace
Isbell	Small

Present—Not Voting

Nelson

Absent

Head

Absent—Excused

Spears

Question—Shall the resolution be adopted?

On motion of Senator Van Zandt, the resolution was referred to Committee on Public Buildings and Grounds.

Bill Signed

The President signed in the presence of the Senate, after its caption had been read, the following enrolled bill:

S. B. No. 175, A bill to be entitled "An Act authorizing independent school districts, and cities which have

assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasia, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city, but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that the governing body of any such school district or city may in its discretion and as additional security for such bonds, encumber and pledge other income and revenues accruing to the athletic fund; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized to be issued or executed after the expiration of one year from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and declaring an emergency."

Adjournment

On motion of Senator Weinert, the Senate, at 1:05 o'clock p. m., adjourned until 10:00 o'clock a. m. Friday, March 17, 1939.

THIRTY-EIGHTH DAY

(Friday, March 17, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called and the following Senators were present:

Aikin	Moffett
Beck	Moore
Burns	Nelson
Collie	Pace
Cotten	Redditt
Graves	Roberts
Hardin	Shivers
Head	Stone
Hill	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weiner
Metcalf	Winfie'd

Absent—Excused

Brownlee	Spears
Small	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senators Brownlee, Small and Spears were granted leaves of absence for today on account of important business, on motion of Senator Stone of Washington.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 17, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 271, A bill to be entitled "An Act creating the 127th District Court of Harris County; defining its